

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) CASE NO. CR07-143 MJP
12 v.)
13 MICHAEL RYAN HARDESTY,) DETENTION ORDER
14 Defendant.)
15

Offenses charged:

Felon in Possession of a Firearm, in violation of Title 18, U.S.C., Sections 922(g)(1), and 924(a)(2);

Possession of an Unregistered Firearm, in violation of Title 26, U.S.C., Sections 5861(d), and 5871.

Date of Detention Hearing: April 25, 2007

22 The Court, having conducted a contested detention hearing pursuant to Title 18
23 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention
24 hereafter set forth, finds that no condition or combination of conditions which the defendant
25 can meet will reasonably assure the appearance of the defendant as required and the safety
26 of any other person and the community. The Government was represented by William

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1 Redkey. The defendant was represented by Peter Avenia.

2 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

- 3 (1) The defendant has active warrants dating back to 1997 from the state of
4 Florida and pending warrants from Washington courts issued in 2006
5 and 2007. Given the duration of their active status, there are reasonable
6 concerns about the defendant posing a risk of flight.
7 (2) Defendant is also viewed as posing a serious risk of danger given his
8 criminal history, which involves a conviction for firearm possession in
9 2003 and assault in 1997.
10 (3) Defendant has a long history of substance abuse, including several
11 convictions (2003 and 2005) for Violation of the Uniform Controlled
12 Substance Act.

13 Based upon the foregoing information, it appears that there is no condition or
14 combination of conditions that would reasonably assure future Court appearances and/or
15 the safety of other persons or the community.

16 **It is therefore ORDERED:**

- 17 (1) The defendant shall be detained pending trial and committed to the
18 custody of the Attorney General for confinement in a correction facility
19 separate, to the extent practicable, from persons awaiting or serving
20 sentences or being held in custody pending appeal;
21 (2) The defendant shall be afforded reasonable opportunity for private
22 consultation with counsel;
23 (3) On order of a court of the United States or on request of an attorney for
24 the Government, the person in charge of the corrections facility in which
25 the defendant is confined shall deliver the defendant to a United States
26 Marshal for the purpose of an appearance in connection with a court

1 proceeding; and

2 (4) The clerk shall direct copies of this order to counsel for the United
3 States, to counsel for the defendant, to the United States Marshal, and to
4 the United States Pretrial Services Officer.

5 DATED this 26th day of April, 2007.

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MONICA J. BENTON
United States Magistrate Judge